IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8134 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KUMBHAR HABIB JUSAB

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8134 of 2003

MR HARIN P RAVAL for Petitioner No. 1-2

MR SN SHELAT, A.G. with MS MAITHILI MEHTA, A.G.P for Respondent No. 1-4

MR JASWANT K SHAH for Respondent No. 2

MR AMAR D MITHANI for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 14/10/2004

ORAL JUDGEMENT

1. RULE. Service of rule is waived by learned A.G.P. Ms Maithili Mehta for respondents nos. 1 and 4, by learned advocate Shri Jaswant Shah for respondent no. 2 and by learned advocate Shri Amar D. Mithani for respondent no. 3. At the request of the learned advocates, the petition is finally heard today.

2. The petitioners have approached this Court as they had an apprehension that they might be evicted from the place where they are doing their business for last 20 years or more.

3. It has been submitted by learned advocate Shri Harin Raval appearing for the petitioners that in fact a representative of respondent no.2 had approached the petitioners and had directed them to vacate the plots, where they were doing their business, though no formal notice were given to the petitioners.

4. During the pendency of the petition, there was some development in the matter and now learned advocate Shri Jaswant Shah appearing for respondent no. 2 has submitted that the land in question is now not required for widening of the road by respondent no. 2 and, therefore, there is no question of removing the petitioners from the land in question.

4. Learned Advocate General Shri S.N. Shelat appearing for respondents nos. 1 and 4 has submitted that if the applications are submitted by the petitioners to respondent no.4 for grant of the land in question, the applications shall be duly considered with due sympathy so that the land in question can be given to them in accordance with law.

5. In view of the aforesaid assurance given, learned advocate Shri Harin Raval seeks permission to withdraw the petition at this stage. Permission for withdrawal of the petition is granted, without going into the merits of the matter. The petition stands disposed of as withdrawn with a liberty to approach this Court in case of difficulty. Ad-interim relief granted earlier stands vacated. Notice is discharged.

(A.R. DAVE, J.)

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